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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,156	03/23/2004	Yoshimasa Araki	00862.017965	2173
5514 7590 04/25/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
MRUK, GEOFFREY S				
ART UNIT		PAPER NUMBER		
2853				
MAIL DATE		DELIVERY MODE		
04/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,156

Applicant(s)

ARAKI ET AL.

Examiner

Geoffrey Mruk

Art Unit

2853

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,7 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,7 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 February 2008 has been entered.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 7, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshino (US 5,953,026).

With respect to claim 1, Yoshino discloses a discharging apparatus having a discharge head in which a plurality of discharge nozzles are arranged to discharge liquids supplied from supply ports through discharge ports, comprising:

- joint members (Fig. 2, element 14; Column 9, line 32) equal in number to a number of the discharge nozzles (Column 8, line 67 – Column 9, line 3) and being arranged to face the discharge nozzles, wherein each joint member operates to cover either the supply port or discharge port when removing the liquid in a discharge nozzle (Column 9, lines 29-40);

- a connecting member (Fig. 2, element 2, i.e. surface of the head) selectively connectable to each of said joint members (Column 9, lines 32-35); and
- a pump (Fig. 2, element 17; Column 9, lines 63-67) for being connected to said connecting member (Column 9, line 34) and removing the liquid in each of the discharge nozzles by applying a pressure difference between the supply port and discharge port of each discharge nozzle facing one of said connected joint member members selectively connected to said connecting member (Column 9, lines 41-50).

With respect to claim 6, Yoshino discloses the discharge head (Fig. 2, element 2) comprises electrothermal transducers which generate heat energy for liquid discharge (Column 1, lines 41-45).

With respect to claim 7, Yoshino discloses the discharge head (Fig. 2, element 2) discharges the liquid from the discharge ports by utilizing film boiling caused by the heat energy applied by the electrothermal transducers (Column 1, lines 41-45).

With respect to claim 12, Yoshino discloses the connecting member (Fig. 2, element 2, i.e. surface of the head) is detachable from said pump (Fig. 2, element 17; Column 9, lines 63-67).

With respect to claim 13, Yoshino discloses an assembly (Fig. 2, element 13) that holds said joint members (Fig. 2, element 14) such that adapter joints of said joint members, which are connected to said connecting member (Fig. 2, element 2, i.e. surface of the head), are arranged on the same level.

With respect to claim 14, Yoshino discloses said connecting member (Fig. 2, element 2, i.e. surface of the head) is selectively connectable to any one of said joint members (Fig. 2, element 14) by moving said connecting member to the position of said one joint member (Column 9, lines 34-36).

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

The examiner makes of record that the foreign priority objection is withdrawn in view of applicant's remarks dated 16 January 2008.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey Mruk whose telephone number is (571)272-2810. The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2853

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./
Examiner, Art Unit 2853
4/22/2008

/STEPHEN D. MEIER/
Supervisory Patent Examiner, Art Unit 2853